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January 16, 2004

BY HAND

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re ***Ex Parte Presentation:***
In the Matter of Mitigation of Orbital Debris, IB Docket No. 02-54

Dear Chairman Powell:

This letter responds to a proposal made to you on January 13, 2004 by PanAmSat Corporation, SES Americom, Inc., and Intelsat LLC

In their January 13, 2004 ex parte submission, PanAmSat, SES and Intelsat acknowledge that it is not possible for certain MSS spacecraft in orbit or under construction to comply with a ± 0.05 degree east/west stationkeeping tolerance, and therefore recognize the need to grandfather those spacecraft from any such new requirement. For the following reasons, their proposal does not effectively "grandfather" the MSS systems that have been built in reliance on existing rules

(i) *It is insufficient to grandfather only spacecraft scheduled for launch in the next 18 months* By limiting grandfathering to spacecraft that are *both* under construction *and* scheduled for launch within 18 months, the PanAmSat, SES and Intelsat proposal would exclude the third satellite in the next generation Inmarsat 4 fleet, which Inmarsat is in the process of completing at a total network investment of over \$1.5 Billion (U.S.). This third satellite is currently a "ground spare" satellite that may not be scheduled for a firm launch date until the successful launch of the spacecraft that it is now intended to back up. No one plans to leave a constructed ground spare satellite in storage, and it is not uncommon for a ground spare to be kept on "standby" for more than 18 months

(ii) *Requiring "coordination" undermines the concept of grandfathering* SES, PanAmSat and Intelsat propose a significant qualification that undermines the concept of grandfathering. Under their approach, the *only* MSS spacecraft that would be grandfathered are those that are successfully coordinated with adjacent spacecraft using the same frequencies. This effectively means that in order to be grandfathered, the MSS system needs the consent of adjacent FSS operators. And without that consent, the MSS system may not be able to obtain

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U S market access for a spacecraft that has been designed and built at a cost of hundreds of millions of dollars in reliance on existing ITU and FCC standards. There is no basis for limiting grandfathering in this manner.

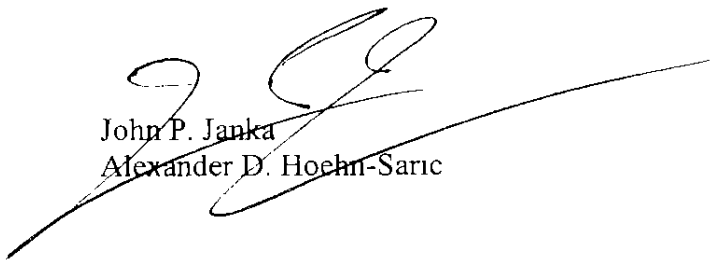
SES, PanAmSat and Intelsat simply have not justified adoption of the new regulation they support. The unsubstantiated general "concerns" expressed by these entities do not warrant imposing the real burdens that they would force the MSS industry to bear. Indeed, *no one has presented an analysis* to indicate that the continued maintenance of a ± 0.10 east/west stationkeeping tolerance by MSS spacecraft presents an interference threat to, or a meaningful operational burden on, or a collision risk to, adjacent FSS systems.

For these reasons, Inmarsat stands by its December 22, 2003 and January 9, 2004 explanations as to why the Commission should retain the longstanding FCC stationkeeping tolerance for MSS spacecraft of ± 0.10 degrees. Among other things, any rule that would limit east/west stationkeeping to less than ± 0.10 degrees would unnecessarily constrain future MSS spacecraft design.

But if the Commission nonetheless adopts such a new requirement, Inmarsat requests that the Commission (i) apply such a requirement only on a prospective basis---not to MSS spacecraft that are in-orbit or are currently under physical construction, and (ii) define the requirement so that compliance is measured in terms of east/west motion *at the equatorial plane*, and not at locations north or south of that plane. Limiting motion at locations north or south of that plane would be fundamentally inconsistent with the mission design and operation of GSO MSS networks and is unnecessary for the protection of adjacent satellite systems in any event.

Thank you for your consideration

Respectfully submitted,



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